

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RENEE S. GARDNER, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER
ORDER 0008683

Division of Legal Services and Compliance Case No. 22 NUR 596

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Renee S. Gardner, R.N.
Appleton, WI 54911

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Renee S. Gardner, R.N. (Respondent), (Year of Birth 1959) is licensed in the state of Wisconsin as a registered nurse, having license number 156325-30, first issued on September 13, 2006, and current through February 28, 2022.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Appleton, Wisconsin 54911.

2. At all times relevant to this proceeding, Respondent worked as a private duty registered nurse within Wisconsin.

¹ Respondent's license remains active per Wis. Stat. § 440.08(5).

Prior Board Action

3. On November 9, 2017, the Board issued a Final Decision and Order for Remedial Education (Order # 0005501) that required Respondent to successfully complete education in the areas of managing difficult patients, crisis prevention, and de-escalation techniques.

Current Case

4. The Department received a complaint from the Wisconsin Department of Health Services Office of Inspector General alleging that Respondent had altered the physician signature dates on three care plans in order to obtain prior authorizations with earlier effective dates.

5. On a patient care plan, signed by Respondent on June 21, 2020, Respondent crossed out the date electronically appended to the physician's signature and wrote "June 21, 2020" in the "Date Signed – Attending Physician" box (Block 31) with ink and writing that matched that of Respondent's signature and date.

6. On a patient care plan, signed by Respondent on August 19, 2020, Respondent crossed out the date electronically appended to the physician's signature and wrote "August 19, 2020" in the "Date Signed – Attending Physician" box (Block 31) with ink and writing that matched that of Respondent's signature and date.

7. On a patient care plan, signed by Respondent on October 15, 2020, the date electronically appended to the physician's signature was October 27, 2020. Respondent wrote "October 15, 2020" in the "Date Signed – Attending Physician" box (Block 31) with ink and writing that matched that of Respondent's signature and date.

8. A Department Attorney contacted the physician who electronically signed the care plans. The physician stated that she signed all three patient care plans on October 27, 2020, and that she did not and would never authorize anyone to alter or change the date of her signature.

9. On September 6, 14, and 22, 2022, a Department intake staff member, on behalf of the Board, sent requests to Respondent for a response to the allegations in the complaint. On October 6, 2022, Respondent admitted to not responding to the prior emails and stated that she was not the person responsible for sending care plans from May 2020 through October 2020, was not the Prior Authorization Liaison, and was working a different case at that time.

10. On December 15, 2022, a Department Attorney emailed Respondent at Respondent's email address on file with the Department to request that Respondent address the allegations in the complaint that Respondent altered dates on the care plans. The Department Attorney included redacted copies of the care plans in question. Respondent replied the same day via email that she had not received the attached care plans. On December 16, 2022, the Department Attorney re-sent the care plans to Respondent. Respondent did not respond.

11. On March 1, 2023, a Department Attorney emailed Respondent to inform her that if she did not provide a response by March 8, 2023, then the case would proceed with the available information. Respondent did not respond.

12. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent failed to respond, to the satisfaction of the department or credentialing board, within 30 days to a request from the department, within the meaning of Wis. Stat. § 440.20(5)(a).

3. By the conduct described in the Findings of Fact, Respondent failed to cooperate in a timely manner with the board's investigation of a complaint filed against a license holder, within the meaning of Wis. Admin. Code § N 7.03(1)(c).

4. By the conduct described in the Findings of Fact, Respondent falsified or inappropriately altered reports, patient documentation, agency records, or other health documents, within the meaning of Wis. Admin. Code § N 7.03(5)(a).

5. By the conduct described in the Findings of Fact, Respondent intentionally made incorrect entries in a patient's medical records or other related documents, within the meaning of Wis. Admin. Code § N 7.03(5)(b).

6. By the conduct described in the Findings of Fact, Respondent engaged in fraudulent billing practices, within the meaning of Wis. Admin. Code § N 7.03(5)(c).

7. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b), and (d), and Wis. Admin. Code § N 7.03.

ORDER

1. The attached Stipulation is accepted.

2. Respondent's license to practice as a registered nurse in the state of Wisconsin (license number 156325-30) and her right to renew such license are **SUSPENDED** for 14 days from the date of this Order, or until satisfaction of paragraph 3(e) of this Order, whichever is later.

3. Respondent's license to practice as a registered nurse (license number 156325-30), her right to renew such license, are **LIMITED** as follows:

a. Within ninety (90) days of the date of this Order, Respondent shall at her own expense, successfully complete the Wisconsin Nurse Practice Act e-learning course offered by the NCSBN.²

b. Respondent shall take and pass any exam offered for this course.

² Available at: <https://catalog.icensncsbn.org/browse/public/continuing-ed/npa/courses/wi>.

- c. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - d. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - e. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within six (6) months from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$564.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
 Division of Legal Services and Compliance
 Department of Safety and Professional Services
 P.O. Box 7190, Madison, WI 53707-7190
 Telephone (608) 266-2112; Fax (608) 266-2264
 DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 156325-30), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

By: 

 A Member of the Board of Nursing

8/10/2023

 Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

RECEIVED
JUL 17 2023
DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RENEE S. GARDNER, R.N.,
RESPONDENT.

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STIPULATION

ORDER 0008683

Division of Legal Services and Compliance Case No. 22 NUR 596

Renee S. Gardner, R.N. (Respondent) and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

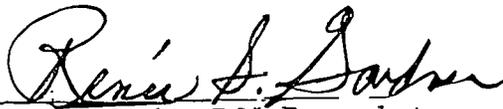
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

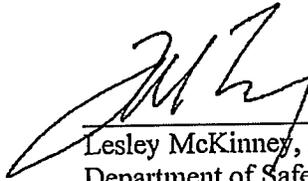
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Renee S. Gardner, R.N., Respondent
Appleton, WI 54911
License No. 156325-30

7-10-23

Date



Lesley McKinney, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

7/17/2023

Date

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